

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: SMILANSKY, Zeev Attorney Docket No.: 2488.016  
 Serial No.: 10/537,071 Examiner: Unknown  
 Filed: May 31, 2005 Group Art Unit: 2878  
 Title: PROTEIN SYNTHESIS MONITORING (PSM)

CERTIFICATE OF MAILING

*I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, January 5, 2006.*

  
 Kathy Smith Dias  
 Attorney for Applicants  
 Registration No. 41,707

Date of Signature: January 5, 2006

Mail Stop PCT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER  
 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED  
 OFFICE (DO/EO/US)**

Dear Sir:

This is a Response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/elected Office (DO/EO/US), mailed from the U.S. Patent and Trademark Office on October 5, 2005. As a response to the Notice is due by December 5, 2005, this Response is timely filed.

Enclosed herewith are:

- (a) One (1) return receipt postcard;
- (b) Check in the amount of \$1,615.00;
- (c) A copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US);

SMILANSKY, Zeev  
Serial No.: 10/537,071  
Filed: May 31, 2005  
Attorney Docket No.: 2488.016  
Page 2

- (d) Executed Declaration and Power of Attorney;
- (e) Computer readable copy and paper copy of "Substitute Sequence Listing";
- (f) Amendment directing entry of the substitute sequence listing into the application;
- (g) Statement;
- (h) Request for Extension of Time (one month); and
- (i) Check in the amount of \$60.00 for the extension fee

The Commissioner is hereby authorized to charge any deficiency or credit any refund to Deposit Account No. 08-1935.

Respectfully submitted,

01/13/2006 GFREY1 00000119 10537071

02 FC:2617	65.00 OP
03 FC:2614	200.00 OP
04 FC:2615	1200.00 OP
05 FC:1206	150.00 OP



Kathy Smith Dias  
Attorney for Applicants  
Registration No. 41,707

Dated: January 5, 2006

Send Correspondence to:

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/537,071	Zeev Smilansky	2488.016

INTERNATIONAL APPLICATION NO.

PCT/IL03/01011

I.A. FILING DATE

11/27/2003

PRIORITY DATE

11/29/2002

23405

HESLIN ROTHENBERG FARLEY & MESITI PC  
 5 COLUMBIA CIRCLE  
 ALBANY, NY 12203

CONFIRMATION NO. 2101  
 371 FORMALITIES LETTER  
 \*OC000000017155165\*  
 \*OC000000017155165\*

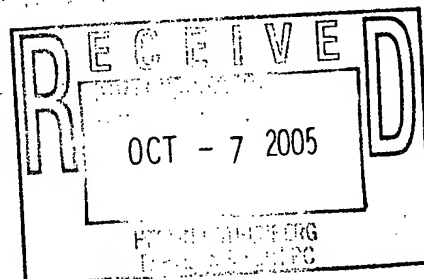
Date Mailed: 10/05/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 05/31/2005
- English Translation of the IA filed on 05/31/2005
- Copy of the International Search Report filed on 05/31/2005
- Copy of IPE Report filed on 05/31/2005
- Preliminary Amendments filed on 05/31/2005
- Biochemical Sequence Diskette filed on 05/31/2005
- Biochemical Sequence Listing filed on 05/31/2005
- U.S. Basic National Fees filed on 05/31/2005
- Priority Documents filed on 05/31/2005

DOCKETED 1215105



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$1400 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27,

must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$1615** for a Small Entity:

- **\$65 Surcharge.**
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).
- The application search fee has not been paid. Applicant must submit **\$50** to complete the search fee. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- The application examination fee has not been paid. Applicant must submit **\$100** to complete the examination fee for a small entity in compliance with 37 CFR 1.27. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- Total additional claim fee(s) for this application is **\$ 1400**
  - **\$200** for 2 independent claims over 3.
  - **\$1200** for 48 total claims over 20.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

**DOCKETED** \_\_\_\_\_

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

INDIA L EVANS

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Telephone: (703) 308-9140 EXT 212

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/537,071	PCT/IL03/01011	2488.016

FORM PCT/DO/EO/905 (371 Formalities Notice)

**STIC Biotechnology Systems Branch**

**RAW SEQUENCE LISTING**  
**ERROR REPORT**

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number:

Source:

Date Processed by STIC:

10/ 537 071  
pc  
6-13-05

**THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.**

**PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:**

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,**
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY**

**FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221**

**TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.2.2 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:**

**<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>**

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail. Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom. Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

- 1. EFS-Bio (<<http://www.uspto.gov/efb/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)**
- 2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**
- 3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):  
U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314**

Revised 01/24/05

**BEST AVAILABLE COPY**

## Raw Sequence Listing Error Summary

### ERROR DETECTED

### SUGGESTED CORRECTION

SERIAL NUMBER: 10/537,071

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

- 1        Wrapped Nucleics    The number/text at the end of each line "wrapped" down to the next line. This may occur if your file  
     Wrapped Aminos    was retrieved in a word processor **after** creating it. Please adjust your right margin to .3; this will  
                              prevent "wrapping."
  
- 2        Invalid Line Length    The rules require that a line **not exceed** 72 characters in length. This includes white spaces.
  
- 3        Misaligned Amino    The numbering under each 5<sup>th</sup> amino acid is misaligned. Do **not** use tab codes between numbers;  
     Numbering                use **space characters**, instead.
  
- 4        Non-ASCII                The submitted file was **not** saved in ASCII(DOS) text, as **required** by the Sequence Rules. Please  
                              ensure your subsequent submission is saved in **ASCII text**.
  
- 5        Variable Length        Sequence(s)        contain n's or Xaa's representing more than one residue. **Per Sequence Rules,**  
                              each n or Xaa can only represent a single residue. Please present the **maximum** number of each  
                              residue having variable length and indicate in the <220>-<223> section that some may be missing.
  
- 6        PatentIn 2.0        A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid  
     "bug"                       sequences(s)       . Normally, PatentIn would automatically generate this section from the  
                              previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to  
                              the subsequent amino acid sequence. **This applies to the mandatory <220>-<223> sections for**  
                              **Artificial or Unknown sequences.**
  
- 7        Skipped Sequences    Sequence(s)        missing. If intentional, please insert the following lines for **each** skipped sequence:  
     (OLD RULES)                (2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)  
                                      (i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading)  
                                      (xi) SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)  
                                      This sequence is intentionally skipped  
  
                              Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to **include** the skipped sequences.
  
- 8        Skipped Sequences    Sequence(s)        missing. If **intentional**, please insert the following lines for **each** skipped sequence.  
     (NEW RULES)                <210> sequence id number  
                                      <400> sequence id number  
                                      000
  
- 9        Use of n's or Xaa's    Use of n's and/or Xaa's have been detected in the Sequence Listing.  
     (NEW RULES)                Per 1.823 of Sequence Rules, use of <220>-<223> is **MANDATORY** if n's or Xaa's are present.  
                                      In <220> to <223> section, please explain location of **n** or Xaa, and which residue **n** or Xaa represents.
  
- 10        Invalid <213>        Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or  
     Response                    scientific name (Genus/species). <220>-<223> section is **required** when <213> response is Unknown or  
                                      is Artificial Sequence
  
- 11        Use of <220>        Sequence(s)        missing the <220> "Feature" and associated numeric identifiers and responses.  
                                      Use of <220> to <223> is **MANDATORY** if <213> "Organism" response is "Artificial Sequence" or  
                                      "Unknown." Please explain source of genetic material in <220> to <223> section.  
                                      (See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32). (Sec. 1.823 of Sequence Rules)
  
- 12        PatentIn 2.0        Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file,  
     "bug"                       resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence  
                                      listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.
  
- 13        Misuse of n/Xaa        "n" can only represent a single nucleotide; "Xaa" can only represent a single amino acid

AMC - Biotechnology Systems Branch - 09/09/2003

**BEST AVAILABLE COPY**



PCT

## RAW SEQUENCE LISTING

PATENT APPLICATION: US/10/537,071

DATE: 06/13/2005

TIME: 09:39:18

Input Set : A:\2488016-SEQ-asfiled.txt

Output Set: N:\CRF4\06132005\J537071.raw

3 <110> APPLICANT: Zeev Smilansky  
 5 <120> TITLE OF INVENTION: PROTEIN SYNTHESIS MONITORING (PSM)  
 7 <130> FILE REFERENCE: 2488.016  
 C--> 9 <140> CURRENT APPLICATION NUMBER: US/10/537,071  
 C--> 9 <141> CURRENT FILING DATE: 2005-05-31  
 9 <150> PRIOR APPLICATION NUMBER: PCT/IL2003/001011  
 10 <151> PRIOR FILING DATE: 2003-11-27  
 12 <150> PRIOR APPLICATION NUMBER: US 60/429532  
 13 <151> PRIOR FILING DATE: 2002-11-29  
 15 <160> NUMBER OF SEQ ID NOS: 2  
 17 <170> SOFTWARE: PatentIn version 3.3  
 19 <210> SEQ ID NO: 1  
 20 <211> LENGTH: 6  
 21 <212> TYPE: PRT  
 22 <213> ORGANISM: Artificial Sequence  
 24 <220> FEATURE:  
 25 <223> OTHER INFORMATION: tetracysteine motif (see Review: Nature Chemical Biology 1,  
 26 13-21, 2005)  
 29 <220> FEATURE:  
 W--> 30 <221> NAME/KEY: non-cysteine  
 31 <222> LOCATION: (3)..(4)  
 32 <223> OTHER INFORMATION: X is any amino acid that is not cysteine  
 34 <400> SEQUENCE: 1  
 W--> 36 Cys Cys Xaa Xaa Cys Cys  
 37 1 5  
 40 <210> SEQ ID NO: 2  
 41 <211> LENGTH: 6  
 42 <212> TYPE: PRT  
 43 <213> ORGANISM: Artificial Sequence  
 45 <220> FEATURE:  
 46 <223> OTHER INFORMATION: A specific tetracysteine motif (see Review: Nature Chemical  
 47 Biology 1, 13-21, 2005)  
 49 <400> SEQUENCE: 2  
 51 Cys Cys Pro Gly Cys Cys  
 52 1 5

What is the source of genetic material? (pg. 1)  
 Does Not Comply  
 Corrected Diskette Needed

Invalid Response

What is the source of genetic material?

Invalid Response

↑ See item #11 on error summary sheet.



RAW SEQUENCE LISTING ERROR SUMMARY  
PATENT APPLICATION: US/10/537,071

DATE: 06/13/2005  
TIME: 09:39:19

Input Set : A:\2488016-SEQ-asfiled.txt  
Output Set: N:\CRF4\06132005\J537071.raw

Please Note:

Use of n and/or Xaa have been detected in the Sequence Listing. Please review the Sequence Listing to ensure that a corresponding explanation is presented in the <220> to <223> fields of each sequence which presents at least one n or Xaa.

Seq#:1; Xaa Pos. 3,4

VERIFICATION SUMMARY

PATENT APPLICATION: US/10/537,071

DATE: 06/13/2005

TIME: 09:39:19

Input Set : A:\2488016-SEQ-asfiled.txt

Output Set: N:\CRF4\06132005\J537071.raw

L:9 M:270 C: Current Application Number differs, Replaced Current Application No  
L:9 M:271 C: Current Filing Date differs, Replaced Current Filing Date  
L:30 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:1  
L:36 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1 after pos.:0